

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER KIERNICKI,

Plaintiff,

v.

DYNAMIC RECOVERY SERVICES, *et al.*,

Defendants.

Case No. 16-10265

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Jennifer Kiernicki recently filed a seven-count complaint in this court alleging the following cause of action: Count I, violations of the Fair Debt Collection Practices Act; Counts II and III, violations of Michigan's Occupational Code; Count IV, violations of Mich. Comp. Laws Ann. §§ 440.9101, *et seq.*; Count V, common law conversion; Count VI, statutory conversion pursuant to Mich. Comp. Laws Ann. § 600.2919a; and Count VII, violations of 42 U.S.C. § 1983.

Although Counts I and VII are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Counts II, III, IV, V and VI are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claims to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 282 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Counts II, III, IV, V and VI are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: March 18, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 18, 2016, using the ECF system.

s/William Barkholz
Case Manager